



## State of New Jersey

CHRIS CHRISTIE  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

Bureau of Case Management  
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P.O. Box 420  
Trenton, NJ 08625-0420  
Phone #: 609-633-1455  
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Sin-Kie Tjho  
USEPA Region 2  
290 Broadway - 22nd Floor  
New York, NY 10007-1866

March 25, 2014

Re: Southern Parcel of the Northfield Extension Ecological Evaluation  
Chevron USA, Inc.  
Perth Amboy, Middlesex County, New Jersey  
SRP PI# 003621  
RPC000005

Dear Mr. Tjho:

The New Jersey Department of Environmental Protection (Department) is concerned that an ecological evaluation has not been conducted in the southern parcels of the North Field Extension which is owned by Chevron/Buckeye. The northern parcels are being addressed by NFE, LLC.

The Department visited the site on March 12, 2014. The Department's overriding ecological concern is that the entire 29 -acre North Field Extension is an environmentally sensitive natural resource (ESNR) and must be investigated and the contamination delineated pursuant to N.J.A.C. 7:26E-1.16, 3.6 (b), and 4.8, and NJDEP's *Ecological Evaluation Technical Guidance* (EETG), August 2012. The Department observed the site to be undeveloped, consisting of forested uplands, estuarine intertidal and freshwater wetlands, with areas of open water (possibly seasonal) and a flowing channel.

Chevron should submit an ecological investigation workplan to address the southern parcels of the North Field Extension. The Department's position is that a good ecological evaluation of the entire North Field Extension ( northern and southern parcels) requires interaction between all parties involved including NFE. LLC, Chevron/Buckeye, US Environmental Protection Agency (EPA), and the Department.



If you have any questions, please contact me at (609) 292-3007.

Sincerely,

A handwritten signature in black ink that reads "Anne Pavelka". The signature is fluid and cursive, with the first name "Anne" and last name "Pavelka" clearly distinguishable.

Anne Pavelka PG, CHMM

Case Manager

Bureau of Case Management

C: Nancy Hamill,, BEERA  
John Boyer, BEERA  
Bob Mancini, Chevron





**State of New Jersey**

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BOB MARTIN  
*Commissioner*

Robert Mancini  
Environmental Project Manager  
Chevron Environmental Management Co.  
1200 State Street  
Perth Amboy, NJ 08861

February 2, 2016

Re: Southern Parcel of the Northfield Extension Ecological Evaluation  
Chevron USA, Inc.  
Perth Amboy, Middlesex County, New Jersey  
SRP PI# 003621  
RPC000005

Dear Mr. Mancini:

In accordance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E, the New Jersey Department of Environmental Protection (NJDEP, Department) requires that an ecological evaluation be conducted in the Southern Parcel of the North Field Extension which is owned by Chevron. This work will be done under Department Traditional Oversight and under the direction of a Licensed Site Remediation Professional (LSRP). The United States Environmental Protection Agency has agreed that the Department will be the lead agency on the ecological evaluation and any subsequent actions needed in the Southern Parcel of the Northfield Extension.

The Department's overriding ecological concern is that the Southern Parcel of the North Field Extension is an environmentally sensitive natural resource (ESNR) and an ecological evaluation must be conducted pursuant to N.J.A.C. 7:26E-1.16, 3.6 (b), and 4.8, NJDEP's *Ecological Evaluation Technical Guidance* (EETG), August 2012, and NJDEP's Administrative Guidance on Investigating Impacts from Contaminated Sites to a Surface Water, November 25, 2015.

Within 30 days of the date of this letter, please retain an LSRP and submit an schedule for submittal of an ecological evaluation workplan.

If you have any questions, please contact me at (609) 292-3007.



Sincerely,

A handwritten signature in cursive script, reading "Anne Pavelka".

Anne Pavelka PG, CHMM

Case Manager

Bureau of Case Management

C: Nancy Hamill,, BEERA

John Boyer, BEERA

Sin-Kie-Tjho, EPA







**Robert Mancini**  
Project Manager  
Refining Business Unit

**Chevron Environmental  
Management Company**  
1200 State Street  
Perth Amboy, NJ 08861  
Tel 732-738-2023  
Fax 732-738-2039  
RMancini@chevron.com

March 2, 2016

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

Anne Pavelka, PG, CHMM  
Case Manager  
Bureau of Case Management  
New Jersey Department of Environmental Protection  
Mail Code 401-05F  
P.O. Box 420  
Trenton, New Jersey 08625 - 1455



**Re: Southern Parcel of the North Field Extension Ecological Evaluation  
Chevron USA, Inc.  
Perth Amboy, Middlesex County, New Jersey  
SRP PI# 003621  
RPC000005**

Dear Ms. Pavelka:

I am responding to your February 2, 2016 letter. In your letter, you request that Chevron retain an LSRP and perform an ecological evaluation pursuant to N.J.A.C. 7:26C and 7:26E with Traditional Oversight by the Department.

The Department's letter appears to be based on certain reasonably assumed facts which are not accurate. The Department's letter identifies the site as NJDEP SRP PI# 003621 and RPC00005. The NJDEP SRP Case Oversight Report identifies these case numbers as the Chevron Perth Amboy HSWA Permit site. Pursuant to the HSWA Permit, Chevron has been working with EPA and NJDEP to investigate and remediate solid waste management units ("SWMUs") and/or areas of concern ("AOCs") at the former Perth Amboy Refinery since the permit's original 1994 issuance date. Chevron worked with EPA and NJDEP to identify SWMUs and AOCs through the RCRA Facility Assessment ("RFA") and RCRA Facility Investigation ("RFI") process under the HSWA permit. Consistent with the fact that the Southern Parcel has never been developed and no business operations have been conducted on it, none of Chevron, EPA or NJDEP identified any SWMUs or AOCs in the Southern Parcel of the North Field Extension ("NFE") under Chevron's HSWA permit.

The RFA and RFI did identify SWMUs and AOCs on the Northern Parcels of the NFE (the "Northern Parcels SWMUs and AOCs"). The HSWA permit previously required corrective action at these SWMUs and AOCs. These SWMUs and AOCs were caused by parties other than Chevron. Chevron purchased the NFE in 1958 as a buffer

and for potential future uses, but in fact Chevron never used or conducted operations at the NFE. In 1997, Chevron sued these other parties (the "Other Parties") for causing the contamination found in the Northern Parcels SWMUs and AOCs. Chevron and the Other Parties settled this litigation, with the Other Parties agreeing to take title to the Northern Parcels of the NFE and remediate the Northern Parcels SWMUs and AOCs. The Other Parties took title to the Northern Parcels in September, 2013 via an entity named NFE, LLC, at which time EPA removed the Northern Parcels SWMUs and AOCs from Chevron's HSWA permit.

In anticipation of settling the litigation discussed above, the Other Parties originally considered taking title to the entire NFE. As part of their due diligence investigation, the Other Parties authorized Roux Associates, Inc. to prepare a Remedial Investigation Report (Roux 2005 RI Report) for the entire NFE and submitted it to EPA and the Department for the purpose of soliciting feedback. No commitment was made to remediate the NFE. The RIR took note of the Northern Parcels SWMUs and AOCs and did not identify any source areas or significant contamination on the Southern Parcel.

Later, the settlement was modified such that the Other Parties took title only to the Northern Parcels, at which time they committed to remediate that part of the NFE. In particular, EPA removed the Northern Parcels SWMUs and AOCs at the NFE from Chevron's HSWA permit once the Other Parties entered into a binding Administrative Order on Consent (the "Order") requiring them to remediate these areas on the Northern Parcels. At the same time, as noted above, EPA removed the Northern Parcels SWMUs and AOCs from Chevron's HSWA permit. In recognition of the diffuse, low-level, impacts from off-site at the Southern Parcel, EPA has never required any remedial activities at that parcel, and there have been no remedial activities related to the Southern Parcel.

Pursuant to N.J.A.C. 7:26E an ecological receptor evaluation is conducted if appropriate as part of ongoing remediation related to a discharge. There are no remediation activities with regard to the Southern Parcel. Further, absent specific Chevron-related sources on the Southern Parcel (i.e. discharges, AOCs) there is no basis to require Chevron to conduct an ecological evaluation of the Southern Parcel. Chevron is not the source of any such discharges.

Additionally, Chevron would not be responsible for conducting an ecological evaluation of the Southern Parcel pursuant to N.J.A.C. 7:26C-2.2 as the NFE is not considered part of the Former Perth Amboy Refinery under the New Jersey Industrial Site Recovery Act ("ISRA"). On January 7, 2003, Chevron requested a Determination of Non-Applicability under ISRA from the NJDEP for the NFE. Chevron's request identified the fact that the NFE is a separate property unrelated and not contiguous to the former Perth Amboy Refinery under ISRA and that Chevron did not use the NFE for

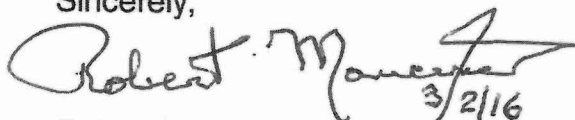
its operations since it was purchased in 1958. The NJDEP reviewed this request and issued a Letter of Non-Applicability ("LNA") to Chevron on February 27, 2003.

In addition, in 2005, the Other Parties prepared and submitted to the United States Environmental Protection Agency ("EPA") and NJDEP an ecological evaluation for the entire NFE, which was presented as part of the Roux 2005 RI Report. The evaluation contained in the Roux 2005 RI Report contains a detailed assessment of the estuarine sediments and wetlands within the NFE, including in the Southern Parcel, and it includes the results of surface water, groundwater, soils and sediment sampling as well as field surveys of the wetland vegetation within the Southern Parcel. The Roux 2005 RI Report found that the "NFE supports a healthy wetland community". Section 11.3 of the Roux 2005 RI Report further concluded that the "low-level concentrations of metals and PAHs have been shown to be derived from off-site sources".

In summary, (1) Chevron's HSWA permit does not require remedial work at the Southern Parcel and (2) Chevron is not undertaking remedial action, is not the source of any low-level impacts, at the Southern Parcel, and therefore is not obligated to perform an ecological evaluation as requested by the Department's February 2, 2016 letter.

Thank you for your consideration. Should it be necessary, we are prepared to meet with you to discuss this matter further.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Mancini", with a date "3/2/16" written below it.

Robert Mancini

cc: Sin-Kie Tjho  
Nancy Hamill  
John Boyer  
Robert Lavorerio  
Neil Fletcher, Esq.  
Kenneth B. Siet





## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

April 28, 2016

Robert Mancini  
Chevron Environmental Management Co.  
1200 State Street  
Perth Amboy, NJ 08861

RE: Chevron USA Inc.  
1200 State St  
Perth Amboy, Middlesex  
PI #: 003621  
Activity Number: RPC000005

Dear Mr. Mancini:

This letter is in response to your letter of March 2, 2016 and Kenneth Siet's email of March 14, 2016 (Kenneth Siet, TRC to Anne Pavelka, NJDEP) regarding Chevron's obligation to retain an LSRP and perform an ecological evaluation of the Southern Parcel of the North Field Extension pursuant to NJAC 7:26C and 7:26E with Traditional Oversight by the New Jersey Department of Environmental Protection (Department, NJDEP).

The Department reviewed the information you provided, and has re-reviewed the March 1, 2005, Remedial Investigation Report (RIR) prepared by Roux Associates, particularly Appendix E. Based on review of this information, the Department disagrees with Chevron's analysis. The Department's position is that there are contaminants on Chevron's property above the Department's ecological screening criteria (ESC), the background study presented in the 2005 Roux report is flawed, and there are metal "hotspots" that require delineation and "hot spot" remediation. Below is more detail discussion of these positions.

1. Metals are present throughout the Southern Parcel above ESC, which indicates the potential for adverse ecological effects and the need to follow N.J.A.C. 7:26E-3.6 and 4.8. Several "hot spots" are apparent and Table 3 indicates exceedances of the ESC for several metals at a high percentage of the sample locations. Delineation at several locations is not complete (e.g., copper at DITSED-B06 = 1440 mg/kg; WL-B07S = 1350 g/kg; WL-B02S = 726 mg/kg). Copper stands out as the metal with the highest hazard quotient (i.e., highest



multiplier above Copper ESC of 34 mg/kg) in the Southern Parcel. In addition there is direct ecological exposure in that these areas present a contaminant source, especially copper, to the Woodbridge Creek. The Department requires delineation /remediation of three "hot spot" areas described mentioned above in the Southern Parcel.

2. The RIR, Section 10.2 and Appendix E contain a discussion regarding tidal wetland sediment data compared with ambient/background data from Arthur Kill/ Broader Hudson Raritan Estuary (3 datasets grouped by proximity to the site, in Appendix E, Attachment A) and with a Woodbridge Creek dataset (Appendix E, Attachment B). The Department considers the Woodbridge Creek dataset most relevant because of the proximity to the Southern Parcel. Appendix E, section 3.3 (p. 6) identifies four smaller datasets that comprise the full Woodbridge Creek dataset. It is the Department's position that use of the Raviv 2003 dataset, collected to investigate the nearby Chevron RCRA site, is questionable for use as "background" and may inappropriately increase "background" levels. Copper is present at locations SED-1B and SED-1C at 2210 mg/kg and 8030 mg/kg respectively. These areas indicative of hot spots/additional source contamination and should be eliminated from the background data set for the Southern Parcel. As per the Ecological Evaluation Technical Guidance (NJDEP 2015) Section 5.3.4, only locations outside of tidal influence from the Northern Parcel and Chevron RCRA sites should be used. Other contaminated sites, point/nonpoint source outfalls, etc. should also have been avoided. A figure with "background" locations in Woodbridge Creek is not provided. If Southern Parcel Copper data are compared with only the other three data sets (Killam -1999, Sadat -1993 and French & Parrello - 1991), levels elevated above background are clearly apparent. An appropriate data set may be from the reference wetland used for the vegetative assessment (Appendix F), if the data are available from this wetland.

3. The RIR does not address the potential for contaminant migration from the Northern Parcel (the former operational area) to Woodbridge Creek and/or to the Southern Parcel, as required in N.J.A.C.7:26E-1.16, 3.6, and 4.8. and the Nov. 25, 2015 administrative guidance Investigating Impacts from Contaminated Sites to a Surface Water Clarification Statement. This reaffirms that persons responsible for conducting remediation and LSRPs are obligated to characterize and delineate ongoing and historic discharges from their site to nearby surface water/sediments. (Guidance available at [http://www.nj.gov/dep/srp/guidance/srra/inv\\_impacts\\_to\\_surface\\_water.pdf](http://www.nj.gov/dep/srp/guidance/srra/inv_impacts_to_surface_water.pdf) ).

In summary, the Department's position is that there are contaminants on Chevron's property above the Department's ecological screening criteria, the background study presented in the 2005 Roux report is flawed, there are metal "hotspots" that require delineation and "hot spot" remediation. Please retain an LSRP to conduct this work under Traditional Oversight by the Department.

Please contact me at 609-292-3007 if you would like to discuss this further. The Department is also available for a meeting or conference.

Sincerely,

A handwritten signature in cursive script that reads "Anne Pavelka".

Anne Pavelka, PG, CHMM  
Case Manager  
Bureau of Case Management

cc: Sin-Kie Tjho, EPA  
Nancy Hamill, ETRA  
John Boyer, BEERA  
Kenneth Siet, TRC







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Project Manager, Refining Business Unit  
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1200 State Street  
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June 8, 2016

New Jersey Department of Environmental Protection  
Bureau of Case Management  
Mail Code 401-05F  
P.O. Box 420  
Trenton, NJ 08625-1455

Attn: Anne Pavelka, PG, CHMM  
Case Manager

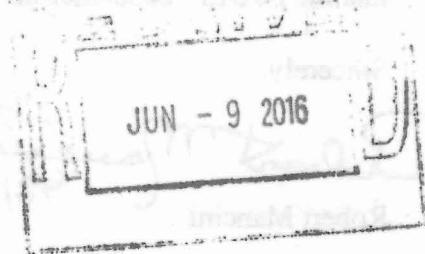
**Re: Southern Parcel of the North Field Extension (NFE) Ecological Evaluation**  
**Chevron USA, Inc.**  
**Perth Amboy, Middlesex County, New Jersey**  
**SRP PI# 003621**  
**RPC000005**

Dear Ms. Pavelka:

I am responding to your April 28, 2016 letter, which was written in response to Chevron's letter of March 2, 2016.

Several points were raised in your letter: (1) the NJDEP indicates that metals are present throughout the Southern Parcel above the ecological screening criteria (ESC), with copper having the highest hazard quotient; (2) the NJDEP takes issue with the dataset used to determine background for comparison purposes; and (3) calls on Chevron to investigate migration of contamination from the Northern Parcels to Woodbridge Creek and/or the Southern Parcel.

As we have explained before, Chevron never conducted operations on the Southern Parcel, or for that matter any part of the North Field Extension. The constituents identified on the Southern Parcel are at relatively low levels given the surrounding conditions. Based on the dispersion of constituents, the known flooding of this property via inundation from Woodbridge Creek and the absence of industrial operations on the Southern Parcel, it is clear the source of any contamination is from off-site and there is no basis to require the owner of the Southern Parcel (Chevron) to perform any investigation or remediation. There is no basis to believe that Chevron is the source of any constituents on the Southern Parcel, or on the North Field Extension generally.

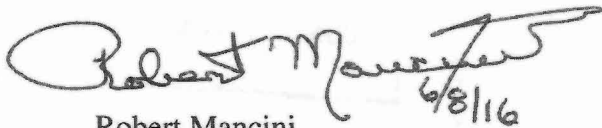


June 8, 2016

Page 2

Based on the above, Chevron sees no basis for the Department to request that Chevron retain an LSRP to delineate the contaminants detected on the Southern Parcel and respectfully requests that the NJDEP reconsider this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Mancini", with the date "6/8/16" written below it.

Robert Mancini

Cc: Sin-Kie Tjho, EPA  
Robert Lavererio, CEMC  
Neil Fletcher, Esq.  
Kenneth Siet, TRC  
Maurice Migliarino, NJDEP



# State of New Jersey

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Robert Mancini  
Project Manager, Refinery Business Unit  
Chevron Environmental Management Co.  
1200 State Street  
Perth Amboy, NJ 08861

June 13, 2016

RE: Southern Parcel of the North Field Extension (NFE)  
Chevron USA Inc.  
1200 State St  
Perth Amboy, Middlesex  
PI #: 003621  
Activity Number: RPC000005

Dear Mr. Mancini:

This letter is in response to your June 8, 2016 letter regarding the issue of Chevron's obligation to investigate and/or remediate the Southern Parcel of the NFE.

Based on your June 8, 2016 letter, the New Jersey Department of Environmental Protection has reconsidered the above issue and has determined that since Chevron has not conducted operations on the Southern Parcel of the NFE, Chevron is not required to investigate and/or remediate the Southern Parcel of the NFE.

If you have any questions please contact me at 609-292-3007.

Sincerely,

Anne Pavelka, PG, CHMM  
Case Manager  
Bureau of Case Management

cc: Sin-Kie Tjho, EPA  
Nancy Hamill, ETRA  
John Boyer, BEERA  
Kenneth Siet, TRC  
Maurice Migliarino, NJDEP

